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AUSTIN DIVISION
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WESTERN DISTRICT OF TEXAS
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**UNITED STATES DISTRICT COURT**
**WESTERN DISTRICT OF TEXAS**
**AUSTIN DIVISION**

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| UNITED STATES OF AMERICA | § | |
| | § | |
| VS. | § | CRIMINAL NO. |
| | § | A-04-257M |
| TERRANCE MITCHELL | § | |

**MOTION FOR SUBSTITUTION OF COUNSEL**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES TERRANCE MITCHELL, Defendant herein, and would show unto the Court that the Defendant wishes to retain an attorney, Charles Popper, State Bar No. 00795856. Abe Hernandez currently represents Defendant as Attorney of Record and Defendant wishes to substitute retained counsel. New counsel, Charles Popper called the public defenders office on August 16th and was told by Mr. Hernandez's assistant that the public defender would have no objection with Charles Popper substituting in for him.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Honorable Court allow the substitution of counsel as set forth hereinabove.

Respectfully submitted,

Charles Popper
713 West 14th Street
Austin, TX 78701
SB# 00795856
Phone (512) 477-7111
Fax (512) 477-6889

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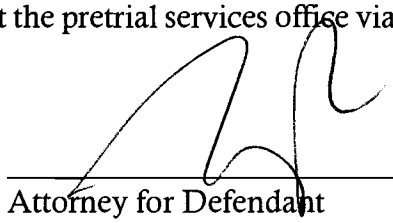
**CERTIFICATE OF SERVICE**

As Attorney of Record for Defendant, I do hereby certify that a true and correct copy of the above and foregoing document was forwarded to the Attorney for the State, Gerald Carruth via fax on the 16th day of August, 2004 (512) 916-5854. A true and correct copy of the above and foregoing document was forwarded to the public defender, Abe Hernandez via fax on the 16th day of August, 2004 (512) 916-5035. A true and correct copy of the above and foregoing document was forwarded to David Nava at the pretrial services office via fax on the 16th day of August, 2004 (512) 916-5299.



Attorney for Defendant